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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,941	03/23/1999	STEPHEN LEE SPEAR	CE03880R	9149

7590 12/17/2003
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1303 EAST ALGONQUIN ROAD
SCHAUMBURG, IL 30196

EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 12/17/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/274,941

Applicant(s)

SPEAR ET AL.

Examiner

Soon-Dong Hyun

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

RCE

1. The request filed on 9/24/03 for a RCE under 37 CFR 1.114 based on parent Application No. 09/274,941 is acceptable and a CPA has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted prior art (APA) fig. 1 in view Ahmadvand U.S. Patent Number 6,477,670 B1.

Re Claim 1, APA fig. 1 teaches the Multimedia Application transceiver for receiving a multimedia session via L3/L2/L1 pipe 110 (receiving a plurality of streams); De-Mux for separating the individual streams of audio, video, and data wherein the Vo-decoder decodes voice and Vi-decoder decodes video (decoding, based upon whether the content of each individual stream).

APA fig.1 fails to explicitly teach performing layer-2 functionality upon each of the plurality of decoded stream based upon whether the content of each individual stream comprises one or more of audio, video, and data.

However, Ahmadvand teaches Data link layer (DLL: layer-2 functionality) QoS for UMTS wherein a plurality of QoS planes are created according to IP QoS requirements. At the

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RLC level, each QoS plane comprises a Data-RLC and a Control-RLC wherein each QoS plane are optimized to handle the QoS requirements of a corresponding Class of Service (layer-2 functionality...based upon whether the content of each individual stream... audio, video, or data) (See fig. 3 and col. 5, lines 20-36).

One skilled in the art would have been motivated by Ahmadvand to modify the APA fig. 1 to include layer-2 functionality DLL into the layer-2 processing of APA fig.1 to mitigate the effects of impairments such as error, delay, etc to optimize the handling of the QoS requirements for the corresponding Class of Services. In so doing, APA fig. 1 can be optimized by the DLL layer-2 functionality to maintain QoS for each content individual stream for the IP multimedia session.

Therefore, it would have been obvious to one ordinary skilled to incorporate the DLL protocol into the APA fig. 1 to enable direct support various IP QoS requirements.

Re Claim 2, UMTS is wireless.

Re Claims 3 and 4, refer to Claim 1, the transceiver can be either the mobile or base station consistent with UMTS standard to support IP multimedia session wherein alerting the mobile or base station is based on the call set up or initiation of the IP session.

Re Claims 5-14, refer to Claim 1, when the user decides to enter into multimedia mode, it is inherent to inform the network and the intended destination (mobile unit) to be notified or alerted to enter into multimedia mode to enable reception of multimedia information.

Re Claims 15, 21, 23, refer to Claim 1, APA of fig.1 includes a channel decoder 111, wherein the transceiver can either be a mobile station or a base station.

Re Claims 16, 17, refer to Claim 2.

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Re Claim 18, refer to Claim 1, wherein the individual streams 119, 121, 123 of APA fig. 1 are combined in the mobile unit to produce a multimedia stream, i.e., video conference call.

Re Claim 19, refer to Claim 18, the transceiver of APA fig.1 transmit to the IP network.

Re Claims 20, 22, refer to Claim 2.

Re Claims 24-27, refer to Claim 1, UMTS includes a base station, mobile station and a controller; and APA fig. 1 has ports 119, 121, 123 each associated with voice, video, and data respectively.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S.Hyun whose telephone number is 703-305-4550. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

5. Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

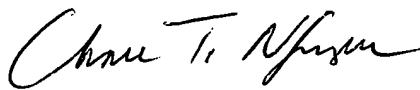
Alexandria, VA 22313-1450

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Or faxed to: 703-872-9306 for formal communications intended for entry with a label of "OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).


S. Hyun

12/12/2003



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600